

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

AND

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.902 OF 2006

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ORDER: (per Sri DSRV.J)

This writ petition is filed seeking for issuance of a writ of Certiorari to call for the records relating to the proceedings in Rc.No.500/A1/2005 dated 23.10.2005 on the file of the 2nd respondent and to set aside the same as also the consequential proceedings in Rc.No.505/A2/2005 dated 24.10.2005 issued by the 2nd respondent. The petitioner has also sought for quashing of the order passed by the Tribunal in OA No.7058 of 2005 dated 6.1.2006.

The main grievance of the petitioner in this writ petition as well as the O.A. is that though he has completed only 4 ½ years of service in the Government High School for Girls, Karimnagar, he has been transferred by the 2nd respondent, retaining two other persons who have completed 6 to 7 years of service in the same school. He also states that the vacancy against which he has been transferred vide orders dated 23.10.2005 was not notified in the counseling.

Heard the learned counsel for the petitioner.

Rule 3(2) of the Rules issued by the Government in G.O.Ms.No.102, Education (Ser.VI) Department, dated 5.8.2005 regulate transfers of the teachers of Andhra Pradesh School Educational Subordinate Services. The said Rule reads as under;

“3(2) All male teachers working in Girls Schools/Institutions shall be transferred. If such male teachers

is above 50 years of age and no female teacher is available and if the teacher has not completed 8 years of service in that School/Institution he can be continued in that School/Institution provided that if the teacher is retiring within two years, he shall not be transferred without his request.”

The Tribunal, having gone into the merits of the case including the rule position, recorded a finding that the petitioner does not satisfy any of the above mentioned conditions laid down in Rule 3(2) of the Rules enabling him to claim for retention. When this is the factual situation recorded by the Tribunal, this Court feels it inexpedient to interfere with the reasoned order passed by the Tribunal. Further, it is well settled principle that transfer is an incidence of service and the scope of interference of the Courts in matters of transfer is very limited.

For the foregoing reasons, we do not find any merit in this writ petition. It is accordingly dismissed.

However, it is represented by the learned counsel for the petitioner that a representation has been made by the petitioner to the 1st respondent for redressal of his grievance, who in turn directed the 2nd respondent to examine and take action in the matter and since the 2nd respondent has not taken any action, the petitioner has approached the Tribunal. The learned counsel requests that the 2nd respondent may be directed to consider the case of the petitioner and pass appropriate orders.

It is made clear that this order will not preclude the 2nd respondent from considering the case of the petitioner as directed by the 1st respondent. In other words, the petitioner can pursue his remedy.

(D.S.R.VARMA,J)

Dt.17.01.2006

(P.S.NARAYANA,J)

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